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*The Rev Robert Gendall
from the Author.*

A

FEW WORDS

ON THE

CONSTITUTION TO BE SUBMITTED TO THE
CONVOCATION OF THE UNIVERSITY OF OXFORD
BY THE HEBDOMADAL BOARD.

BY

HENRY BOOTHBY BARRY, M.A.,

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OXFORD:

JOSEPH VINCENT;

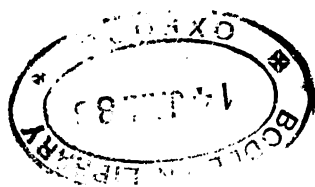
AND JAMES RIDGWAY, PICCADILLY, LONDON.

FEBRUARY 20, 1854.

Gough with Oxon

8.429.

19.12.87



A FEW WORDS &c.

The University of Oxford is about to be suddenly forced to come to a summary vote, on the most important subject which can be submitted to its decision—its own Constitution. Whether it be wise in the Hebdomadal Board now to submit this matter to Convocation it is perhaps too late to inquire. But if the remonstrance of an individual can be of any avail, that remonstrance shall now be made. Nothing shall here be said of the past. No question shall be asked why the Board, so slow before in its proceedings, is now at the last moment so quick and decided. It may be well for the Heads of Houses to submit the result of their deliberations to Government. The Home Secretary has asked for information ; and the present Ministers, who receive with courtesy the suggestions of individuals, will be certain to give full and fair consideration to the proposals of the constituted authorities of the University. Oxford, too, possesses the great advantage of having one of the Cabinet Ministers as its Member. But why should Convocation be unexpectedly called upon to say yes or no to an unalterable proposal just a few days or hours before the introduction of the Government bill ? If we agree to this petition in what position do we place ourselves with

the Government? As far as we can judge on other grounds, and by comparing the character of the proposed Constitution with the principles laid down in Lord Palmerston's letter,* Ministers are not likely, at the last moment, to embody this proposal in their bill. It becomes then the political capital of the Opposition, if they choose to make it so. Is it not important that the University Authorities, for their own sakes, should be friendly and not hostile to Government? Will their suggestions be better attended to if Lord Derby watch over their interests, not only as Chancellor of the University, but also as leader of the Opposition?

If, however, the Board are determined to follow up the course they have begun, we must divide in Convocation. When a measure is proposed for building a museum or founding a Professorship, the usual and salutary practice of the Board is to give the most ample notice. Only five whole days, including a Sunday, will now elapse between the first announcement of a petition for a definite and fundamental alteration of the Constitution of the University, and its proposal to the final decision of Convocation. Members of Convocation who live at a distance will for the most part be unable to make arrangements to attend. Those who are in the neighbourhood may come in; Masters from London will run down. But many clergymen will not hear the announcement in time. A newspaper with an account of the scheme may not reach them till after the day for the meeting of Convocation. Under these circumstances a vote, in

* It is assumed that the letter to Oxford is the same as that sent to Cambridge. The Oxford letter has never been published by the Board; nor even officially communicated to the several Colleges.

favour of the proposal of the Board, cannot but be incomplete and unsatisfactory.

Residents too may complain with reason that they have not had a sufficient interval to estimate and consider in its various bearings the proposed Constitution. But it may be said that the subject has long been before the University and has been well ventilated, and that if we cannot decide now we shall never be able to do so. It is quite true that for a considerable time some of us have been busied, and probably bored, with the discussion of several Constitutions. Early in 1852 appeared the Constitution of the Blue Book, which the Heads of Houses, had they looked to their own interests, should have eagerly accepted. Early in 1853 was published the report of the Tutors' Association, recommending a single elective Board. The Committee of the Hebdomadal Board, appointed June 16, 1852, presented their report early in December, 1853, in which they recommended a Constitution of which, following the principle of "*de mortuis nil nisi bonum*," we will say nothing. Prepared by the study of the two first, a considerable number of the most distinguished members of the University have readily accepted a scheme which combines a Congregation with an elective Caput. But now, late on the afternoon of the 18th of February, 1854, to the consternation of those who thought they might devote their spare time to other subjects, appears an entirely new Constitution from the secret laboratory of the Hebdomadal Board. It is not framed on the proposal of the Commission, it does not coincide with the scheme of the Tutors' Association, it entirely ignores the plan recommended to the Board by their own Committee. From want of time, and from the novelty of the

proposal, many if not most members of Convocation will have to vote without comprehending the subject ; and, in that case, it would perhaps be safer and certainly more conscientious to say no. But it may be urged, particularly to Non-Residents, that it is better to leave the decision of these matters to the competent and experienced Governors of the University ; that the Board have proposed this plan after long deliberation and the fullest consideration ; and that if we follow their authority we cannot go wrong. It is admitted that the scheme would possess weight, if we were sure that it had been for some time before the Board, and had received its unanimous support. But, it is no secret, that one of the most able and sagacious of those whose counsel was once influential with the Board, is strongly opposed to the plan. It is whispered also that several of the Heads of Houses, who are most trusted, most circumspect, and most conversant with University business, are not responsible for the proposal. If report speaks true, the plans before the Board have varied from day to day ; and the particular proposal now made has only just been drawn up and assented to. At first we understood that it was Dr. Pusey's plan, pure and simple, which would be adopted. For a while we were alarmed by the rumours of a Constitution which possessed at least six vetos. At length, divested of many of its vetos, appears the last and only authorised edition of the new Constitution.

It is difficult to comprehend, and out of the question now even to attempt to explain, the various points and bearings of this most abstruse and complicated proposal. But it is quite necessary to give a few minutes consideration to this Constitution, lest by some misfortune or

misapprehension we should be subjected to it for ever. The shortness of the notice prevents the remarks here made from being otherwise than hasty, and somewhat unconnected. Our present Constitution, as every one knows, consists, to speak generally, of the Hebdomadal Board and Convocation. The Board is isolated from Convocation; the two bodies do not understand each other; and this misunderstanding is productive of obvious evils. Dr. Pusey very reasonably suggested the importance of some medium of communication between the two. He seems to derive his idea from the proposal of the Commissioners. "I think," he writes, "that the Commissioners are right as to the value of a body possessing the confidence of Convocation, although mistaken in supposing that the body which they propose would possess that confidence."* It seems therefore, that a congregation of the working body of Residents, such as has been recently submitted to Government in a paper very generally signed, and which would unquestionably as a rule, possess the confidence of Convocation, would fully meet the acknowledged difficulty. But Dr. Pusey proposes an intermediate Board composed of a certain number of Resident members of Convocation elected by *Residents*. He argues that this Board would represent the Residents; that the Residents possess the confidence of the Non-Residents; and that thus the desired medium would be found. It is not the present purpose to state the objections to this scheme, but simply to contrast it with the plan of the Hebdomadal Board. The Board proposes that not the Residents only, but any members of Convocation, should elect. The great importance of this distinction will be readily understood. The votes of the

* Dr. Pusey's Evidence, p. 154.

working members of the University, in the election of a Board which would have to initiate or consider measures affecting the education of the place, would be merged and lost in the mass of the general constituency. No desire has been expressed by Non-Residents for this new participation in internal management ; no print of any kind emanating from them has advocated it. Nay more, the contrary feeling prevails. " Even in the last election for the Registrarship,* Non-Residents were heard to express the wish that the Residents could decide these things for themselves." What can the Board of Heads mean by thus ignoring the Residents, surrendering this important share of internal management to the mass of Convocation and then appealing to the passions and interests of Convocation ? Do the Heads want to make the country clergy the arbiters of the nature of University education ? Do Non-Residents demand such a privilege themselves ? Is not one party satisfied to leave internal management to Residents, provided the other party will do the same ? Are not men of sense and experience agreed that it is safer and wiser to leave the settlement of questions of education and discipline in the hands of those actively engaged in University duties ? There is not much danger of any plans contrary to faith or morals being proposed by the representatives of the working members of the University, but should this unhappily be the case, Non-Residents will still, under every proposed constitution, retain the right and power of refusing their sanction. Depend upon it that at periods of religious excitement this intermediate Board would be a kind of Committee of safety for the defence of the Church, or for the purity of the

* Dr. Pusey's evidence, page 143.

Gospel as the case might be. It may be said that Non-Residents ought not to interfere in such things, but it would not be strange that they should make what they conceive to be a religious use of their votes. Those only are to blame who confer new and uncalled for powers upon them. These elections by Convocation will be either a form or a reality; if a mere form they will not answer the requirements of Government; if a reality they cannot but be mischievous. A multitude of other objections occur, but we must hasten on.

It is reported that Government wishes to raise and enlarge the Professoriate. How does the Board propose to meet this demand? By placing Eight Professors side by side with Fifteen Members of Convocation, and by making them rest not on the broad basis of the general constituency, but on the election of their own order. In the elective Board the Professors would be over-powered; in the fusion of the Boards they would be lost altogether.

It seems that this New Board is to be created for legislation merely, and to have no share in the executive. It is however to meet every Tuesday. Only a small number of important measures need be submitted by any Board to Convocation in the course of the year; the fewer in reason the better. The New Board would have very little to do, unless it created work for itself. If it did little or nothing, it would soon lose its importance. Is it desirable, in a great educational body of which stability should be the leading characteristic, to create a New Board, which must ever be legislating under the penalty of becoming insignificant?

Two conflicting Boards are placed alongside each

other, one permanent, the other elected ; one younger and more active, the other older and more staid ; their respective positions are not defined ; they are left to fight out this for themselves ; each has a weapon given it in the powers of initiation. In a contest, however, there must be always something to fight for. This is provided by conferring on one Board the sole privilege of the executive. This privilege is very consistently given to the older body, in order that the younger Board, which will naturally have more spirit, should also possess a greater stimulus. Matters to fight about will be provided by the manner in which, in University business, executive are blended with legislative functions. In the long run one Board will beat the other, and as in the last edition of the new Constitution the veto is omitted, there can be little doubt which will be the victor and which the vanquished. If we are after all virtually to come to one Board, why start with two. To begin with one Board would be a great economy of time and labour, and a means of preventing many struggles and annoyances. As the great affairs of the nation are conducted by a single Cabinet, so one Board as heretofore may be amply sufficient for the purposes of the University.

It may be asked how it is that the Second Board has been proposed at all, and why we should not have one elected Board. The answer is on every one's lips though some may fear to give it expression. If the Government have determined on the principle of representation, the Hebdomadal Board are equally determined to maintain their present position. Hence the otherwise useless proposal of a second and an elected Board.

The consideration of the question has hitherto been comparatively easy. But when we examine the relations of the

two Boards, we see how ingeniously and elaborately the whole scheme provides for the avoidance of the supposed besetting evil of the University. It would appear that, in the opinion of some of the members of the Board, the great bane of the place is too rapid legislation. Dr. Pusey, who ought to be well acquainted with Oxford, does not appear to have been of this opinion. This may arise from the fact that though Regius Professor of Hebrew he has never had anything to do with the Government of the University. The process proposed by Dr. Pusey is not sufficiently prolonged for the Board of Heads.* It remained for the framers of the scheme we are considering to perceive and remedy this evil, and they have done it so effectually that not only will there be no risk of hasty legislation, but there is every probability that there will be no legislation at all. Forms, however will still remain, and precious time available for study or instruction will be needlessly wasted in the pursuit of legislation under artificial difficulties. Like the French nation under the present Emperor, the University of Oxford may then boast of legislative bodies which will be nearly if not wholly inoperative.

To any but a very inventive mind it would be difficult to conceive how such a number of processes could be got out of only two Boards and Convocation. This difficulty has, however, been happily solved by the ingenious idea of a Committee composed of the members of both Boards. The relative numbers from each Board are not fixed. It would be perhaps wrong to anticipate that this may lead to controversy or collision ; but the possibility of such occurrences might have been avoided by providing that the

* Dr. Pusey's evidence, p. 144.

numbers from each Board should be equal. It is difficult to place these legislative steps before the reader, and it requires great attention and memory to follow them; but the attempt will be made by means of letters of the alphabet :—

Let A = The Hebdomadal, or Monday Board.

B = The Elective, or Tuesday Board.

C = A Committee composed of members of both Boards.

D = Both Boards when in a state of fusion.

E = Convocation.

The earliest stages in this long series will be two readings in the Board which initiates. The first reading will settle the measure for promulgation; then will take place a sufficient interval for the reception of suggestions from members of Convocation; the Vice-Chancellor in his evidence proposes a month. A Committee is then not at all unlikely; but a second reading must take place to decide for or against the adoption of suggestions.

One Board, say Board A, will then propose the measure to Board B; Board B, unless it only endorses proposals, will object or desire amendments. A joint Committee C will then be appointed. This Committee will either be empowered to supersede the two Boards, or must report first to Board A, then to Board B; if either objects, the report will be referred to the determination of Board D, which is formed by the combination into one body of Boards A and B. This Board, composed of forty-nine persons, would be in reality a kind of deliberative assembly. Discussion in so large a body could scarcely be conducted by the members sitting, but must be carried on by speeches. Will the members be allowed to speak in

English? If so, what will be said to this scheme by people who feel so strongly the danger of discussion by debate?

The general result is that Boards A and B initiate to each other; Committee C considers; Board A + B determines whether the measure shall be initiated in Convocation. When the measure would come before Convocation is not quite clear, nor how it will command the confidence of Convocation when it gets there. It is by no means affirmed that such a result is not possible, for there would always be an eventual though ever receding hope of such a desirable consummation.

What would become of the Vice-Chancellor, who has to preside at all these Boards, it is sad to contemplate. The Vice-Chancellorship, however, might be put into Commission, or there might be two Vice-Chancellors, one of course the Head of a House, the other possessing the confidence of Convocation.

The University is not a parliament whose function is periodical legislation. The business of Oxford is education and study. Improvements are from time to time needed, and should be freely considered and properly sanctioned. But one hour unnecessarily spent in legislation is so much time lost to the proper pursuits of the place; and forms which only involve repeated delays are not only useless, but positively mischievous.

If the alternative lay between this distorted reform and no reform at all, it would be far better to remain as we are. At present we have a single Board to initiate, somewhat hard to move, it is true, and slow in action, but yet not always indisposed to allow the proposal of a minority or even of an individual to be submitted to Convocation.

A great deal has already been done in the Board by one vigorous and liberal man. According to the proposed plan instead of one Board we should frequently have three, together with joint Committees and a kind of battledoor and shuttlecock legislation. And all these processes are to be gone through for the simple purpose of deciding what shall or shall not be submitted to Convocation. We started with the idea of a body intermediate between the Board and Convocation and possessing the confidence of Convocation. It is probable that a Board freely elected would possess the confidence of its constituency. But would a fused Board do so, in which measures might be carried by the coalition of a majority of the Heads with a minority of the Members of the elective Board? The primary idea of the need of the confidence of Convocation seems to have been entirely lost sight of by those who constructed the various and cumbrous processes through which a measure would have to be dragged. Much more might be urged against a plan so open to objection, but perhaps more than enough has been said already.

The clear and safe course for all parties is to say "non placet" to this complicated proposal. Will those who are in favour of the maintenance, or merely slight alteration of the existing status of the University, concede the important principle that a large alteration of the constitution is absolutely needed, by voting for the most novel change in the management of the University of all that have been yet proposed? By sanctioning this scheme, which no one expects to see adopted, but which is most strangely made a "cheval de bataille," they cut from under their feet the ground on which they might, consistently with their own principles, resist any extensive change.

Will the Members of the Tutors' Association, who have formally agreed to the principle of a single elective caput* abandon their position and break up their society, by voting for a plan in utter discordance with the basis of each of their proposals for the reform of the constitution?

Will that imposing majority, which secured Mr. Gladstone's return at the last contest, and in previous elections, allow the University to commit itself to a positive and detailed declaration, to which he, as a Minister of the Crown, cannot accede? Will not the opponents to Mr. Gladstone's return, thwarted hitherto yet still determined to persevere, make an abundant use of this petition at the next election? Will they not say, with some reason, that he who acts in direct opposition to a recorded vote of Convocation, on the most important of all subjects, may be one of the ablest Ministers of the Crown, but is out of his place as Member for Oxford?

Is it a fair, seemly, or English proceeding on the part of our great University, which should set an example of high moral conduct to the nation at large, to remain so long inactive, to do nothing in consequence of Lord John Russell's ample notice, of Lord Palmerston's urgent letter, of the positive announcement of the Queen's speech, and then at the last moment not to wait a few days or hours longer for the declaration of Her Majesty's Government, but to strike before they hear, and commit themselves by a hasty vote to a new and definite proposal—a proposal which deprives them of the liberty of fairly judging the impending Bill? There are so many grounds for not mak-

* "At a meeting of the Association held at Ch. Ch., Nov. 29, 1842, it was resolved, That it is desirable that the Initiative of Legislation should be confided to a single body."—*Second Report of the Tutors' Association*, page 35.

ing a positive declaration, in such hot haste, that no disrespect can be shown to the Board by declining as yet to ratify the petition. Pass this very complicated proposal, and you become trammelled by the terms of an impracticable, if not impossible, scheme; and commit yourselves in your corporate capacity to oppose any other proposal from Ministers, however excellent such a proposal may be. Reject it, and you are free to support or oppose the coming Bill on whatever grounds you please.







